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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,146	03/23/2004	Yoshihiro Kohta	072982-0255	1986
22428	7590	04/05/2005	EXAMINER	
FOLEY AND LARDNER			CAPUTO, LISA M	
SUITE 500			ART UNIT	
3000 K STREET NW			PAPER NUMBER	
WASHINGTON, DC 20007			2876	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/806,146

**Applicant(s)**

KOHTA, YOSHIHIRO

**Examiner**

Lisa M. Caputo

**Art Unit**

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7,9 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Amendment*

1. Receipt is acknowledged of the amendment filed 11 January 2005.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 5, 7, and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hara (U.S. Patent Application Publication No. 2003/0058084) in view of Fiammante (U.S. Patent Application Publication No. 2003/0191721).

O'Hara teaches a method and apparatus for securing passage on a common carrier a creating a passenger manifest. Regarding claims 1, 5, 9, and 10, O'Hara teaches a ticket issuing system (100) and method that comprises a terminal including storage for a ticket, a ticket issuing center, an authentication department, and an authentication terminal, wherein the terminal, ticket issuing center, authentication department, and authentication terminal are connected to each other via a network (data network 106 and server 108), and the authentication terminal is connected to the terminal to perform authentication between a ticket buyer and a ticket; first biological information (biometric characteristics of traveler, including fingerprint or voice print) which indicates unique physical characteristics of the ticket buyer is registered in advance in the authentication department; the terminal transmits a request for ticket purchase to

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the ticket issuing center; the ticket issuing center transmits a request for issue of an electronic certificate to the authentication department to request the authentication department to issue an electronic certificate which corresponds to the request for ticket purchase transmitted from the terminal and which validates the ticket buyer, and that the authentication department creates an electronic certificate including the pre-registered first biological information on the basis of the request for issue of an electronic certificate transmitted from the ticket issuing center, and transmits the electronic certificate to the ticket issuing center; the ticket issuing center creates an ticket to which the electronic certificate transmitted from the authentication department is added, and transmits the ticket to the terminal. In addition, at the time of authentication, second biological information which indicates unique physical characteristics of the ticket buyer is input into the authentication terminal and the user is then verified as the authentic user (see Figures 1-7, paragraphs 16-53).

Regarding claims 1, 5, 9, and 10, O'Hara fails to teach that the terminal is mobile and that the ticket is in electronic form.

Fiammante teaches a system and method of associating communication devices to secure a commercial transaction over a network. Fiammante discloses a ticket issuing system that comprises a mobile terminal (mobile phone 140) including a storage for storing product information, a ticket issuing center (commerce site), an authentication department (table 300), and an authentication terminal (smart card 155 with signature information) wherein these components of the system are connected via a network (network 135) to perform authentication between a ticket buyer and the

electronic ticket, with first information which indicates a physical characteristic (signature of the user 100) of the buyer which is registered with the authentication department. Further, the mobile terminal transmits a request for purchase to the ticket issuing center, where the ticket issuing site transmits a request for an issue of an electronic certificate to the authentication department to request the authentication department to issue an electronic certificate which corresponds to the request for ticket purchase transmitted from the mobile terminal which validates the ticket buyer, the authentication department complies and provides a certificate including the pre-registered identification information, and the ticket issuing center creates an electronic ticket to which the electronic certificate transmitted from the authentication department is added, and transmits the electronic ticket to the mobile terminal, and the mobile terminal stores the electronic ticket transmitted from the ticket issuing center in storage (see Figures 1-4, page 2 paragraph 20 to page 4 paragraph 34). Fiammante teaches the use of a commerce site which is able to provide a ticket in the form of a receipt of purchase of a product. In addition, Fiammante teaches that the terminal is mobile and that the ticket is kept in digital format.

In view of the teaching of Fiammante, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the terminal as a mobile terminal and to have the ticket be transmitted in electronic form because these two conditions make for a more comprehensive and efficient system because the system is more portable and faster because documents do not need to be printed. For

instance, the screeners can simply look to the terminals in order to get the desired information.

Regarding claims 3 and 7, O'Hara fails to teach that the mobile terminal is replaced by an information terminal having a removable storage and that the electronic ticket is input from the removable storage into the authentication terminal at the time of authentication.

Fiammante teaches that an information terminal (personal computer 110 running the Internet) having a removable storage can be used in place of a mobile terminal (see Figure 1, page 2, paragraph 20). Further, Fiammante teaches that at the time of authentication the electronic ticket is input from the removable storage into the authentication terminal (see page 4, paragraph 30).

In view of the teaching of Fiammante, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ removable storage receptacles and an information terminal because portability is still an option, but in addition, there is the stability of having a central computing device to keep information.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 3, 5, 7, 9, and 10 have been considered but are moot in view of the new ground(s) of rejection.

Examiner appreciates applicant's arguments that the combination of Fiammante and Giles do not teach the claimed invention and has provided additional prior art in the form of O'Hara. For example, Fiammante did not explicitly disclose the purchase and authentication steps of a purchaser buying tickets, and the O'Hara reference is used to

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overcome this deficiency since O'Hara does indeed teach the purchase and authentication of a ticket purchase using biometric data input.

**Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent No. 5,598,477 to Berson which teaches an apparatus and method for issuing and validating tickets, U.S. Patent No. 6,137,895 to Al-Sheikh which teaches a method for verifying the identity of a passenger, and U.S. Patent No. 6,779,720 to Lewis which teaches a method and apparatus for generating a ticket including an image of a person.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lisa M. Caputo** whose telephone number is **(571) 272-2388**. The examiner can normally be reached between the hours of 8:30AM to 5:00PM Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached at **(571) 272-2398**. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [[lisa.caputo@uspto.gov](mailto:lisa.caputo@uspto.gov)].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
LMC

March 30, 2005



DIANE I. LEE  
PRIMARY EXAMINER